IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE Ms. JUSTICE G.ROHINI

-

TAKEN UP WRIT PETITION No. 25177 of 2001

Between:

G.Nageswara Rao S/o.G.Parameswara Rao
R/o.Plot No.127, Bhagyanagar Society Opp: KPHB,
Rangareddy Dist.

..... PETITIONER

AND

1 The SHO, Kukatpally P.S. Kukatpally,
Balanagar Sub-Division R.R.District
2 Ramana Rao, S.I. of Police,
Kukatpally P.S., Kukatpally, Balanagar Sub-Division, R.R.District
3 The CI of Police, Kukatpally Police Station,
Kukatpally, Balanagar Sub-Division, R.R.District
4 The Superintendent of Police, R.R.District at Hyderabad
5 The Director General of Police, Govt. of A.P., Hyderabad.
6 The Secretary to Govt. of A.P.
Home (Police) Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction, or a writ, more particularly one in the nature of writ of mandamus calling for the remarks and records from the respondents herein in and connected to (1) illegal detention of the petitioner herein in Kukatpally police station

till 19/11/2001 upto 3-00 PM who was taken away on 16/11/2001 by the SI of Police, Kukatpally Police Station viz. Ramana Rao and some other constables accompanied by the petitioner's relatives Yarlagadda Siva Prasad, Bhanuprasad, Krishna Rao and eight others, (2)Beating of petitioner's watchman Mr.Fakhruddin resulting in loss of his eye and his admission the Sarojini Devi Eye Hospital, (3) taking away the Registered documents of the petitioner's by the SI of Police, Ramana Rao and keeping the same with him (4)implicating the petitioner in false case and producing him before the court, (5) Kidnapping the petitioner's wife and two children by the relatives of the petitioner with the assistance of police personnel of Kukatpally police station causing apprehension of danger to their lives and shifting of his entire articles from his house by the said persons and to pass orders directing the concerned authorities to take action against the police personnel of Kukatpally police and punish the erring persons in the interest of justice.

Counsel for the Petitioner : FAX MESSAGE

Counsel for Respondent Nos.1 to 6 : G.P. FOR HOME

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

A letter sent by G.Nagewara Rao, dated 21st November 2001 making allegations of alleged illegal detention from 16th November 2001 to 19th November 2001, was treated as taken-up matter and registered as writ petition and notice was directed to be issued to the respondents.

T.Ramana Rao, Sub-Inspector of Police, Kukatpally Police Station – respondent No.2 has filed a separate affidavit, whereas C.Ranga Reddy, Inspector of Police, Kukatpally, has filed affidavit on behalf of respondents 3 to 6. In both the affidavits, the allegation of alleged illegal detention had been denied. It is, however, alleged that on 16th November 2001, petitioner's wife gave a written complaint to the police about her alleged harassment by the petitioner and other family members, on the basis of which, Crime No.946 of 2001, for the offences under Sections 498-A, 384, 506 IPC, and Section 20 of the Indian Arms Act, was registered against the petitioner on 18th November 2001. The petitioner was arrested and sent to judicial remand on 19th November 2001. It is stated that case was under investigation, which was registered on the basis of the complaint of the petitioner's wife. On the basis of the material averments in the affidavits of the respondents, it is hardly a case to take further action on the petitioner's complaint since the petitioner was at liberty to take appropriate proceedings if he is aggrieved by the alleged action of the

respondents.

The writ petition is closed.

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(DEVINDER GUPTA, C.J.)

30th November 2004.

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(G.ROHINI, J.)

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To

1 The Station House Officer, Kukatpally P.S. Kukatpally, Balanagar Sub-Division R.R.District
2 Mr. T.Ramana Rao, Sub-Inspector of Police, Kukatpally P.S. Balanagar Sub-Division, R.R.District.
3 The Circle Inspector of Police, Kukatpally Police Station, Kukatpally, Kukatpally, Balanagar Sub-Division, R.R.District
4 The Superintendent of Police, R.R.District at Hyderabad.
5 The Director General of Police, Govt. of A.P., Hyderabad.
6 The Secretary to Govt. of A.P. Home (Police) Department, Secretariat, Hyderabad.

7 Two CCs to the G.P. for Home, High Court Buildings, Hyderabad (OUT).

8 Two CD copies.